

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	Case No. 1:01-cr-195
)	
v.)	
)	EDGAR / CARTER
DANNY RAY SIMMONS, JR.)	

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on October 29, 2009, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision of Supervising U.S. Probation Officer Janet F. Landers. Those present for the hearing included:

- (1) AUSA James Brooks for the USA.
- (2) The supervised releasee, DANNY RAY SIMMONS, JR.
- (3) Attorney Chris Lanier for defendant DANNY RAY SIMMONS, JR.
- (4) Deputy Clerk Russell Eslinger.

After being sworn in due form of law, the supervised releasee was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Atty Chris Lanier was appointed to represent the defendant. It was determined that defendant had been provided with and reviewed with counsel a copy of the Petition for a Warrant or Summons for an Offender Under Supervision.

AUSA Brooks moved the defendant be detained without bail pending his revocation hearing before U.S. District Judge R. Allan Edgar. Defendant waived his right to a preliminary hearing and detention hearing.

Findings

Based upon the petition and defendant's waiver of preliminary hearing, the undersigned finds there is probable cause to believe the defendant has committed violations of his condition of supervised release as alleged in the petition.

Conclusions

It is ORDERED:

(1) The supervised releasee shall appear for a revocation hearing before U.S. District Judge Edgar.

(2) The motion of AUSA Brooks that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Edgar is GRANTED.

(3) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Edgar **on November 3, 2009 at 2:00 p.m.**

ENTER.

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE